

PART V.

Subsidiary Legislation and Penalties.

CHAPTER XV.

RULES, BYE-LAWS AND REGULATIONS.

Rules and Schedules.

394. (1) The Government may make rules to carry out all or any of the purposes of this Act not inconsistent therewith. Power of Government to make rules

(2) In particular and without prejudice to the generality of the foregoing power such rules may—

(a) provide for all matters expressly required or allowed by this Act to be prescribed;

(b) regulate or prohibit the moving of any resolution or the making of any motion on, or the discussion of any matter unconnected with the municipal administration;

(c) prescribe the accounts to be kept by the corporation, the manner in which such accounts shall be audited and published and the conditions under which the rate-payers may appear before auditors, inspect books and vouchers and take exception to items entered therein or omitted therefrom;

(d) prescribe the forms of all registers, reports and returns, the manner in which such registers shall be maintained, the dates on which the reports and returns shall be made and the officers to whom they shall be sent;

(e) regulate the sharing between local authorities in Mysore of the proceeds of the profession tax, tax on carriages and animals, tax on carts, and other taxes or income levied or obtained under this or any other Act;

(f) prescribe the powers of auditors, inspecting and superintending officers authorised to hold inquiries, to summon and examine witnesses, and to compel the production of documents and all other matters connected with audit, inspection and superintendence; and

(g) prescribe the form of warrant under rule 29 of Schedule III and the form of notice of sale under rule 31 of the same schedule.

(3) The Government may make rules altering, adding to, or cancelling any of Schedules to this Act except Schedules I, VI and VII.

(4) All references made in this Act to any of the aforesaid schedules shall be construed as referring to such schedules as for the time being amended in exercise of the powers conferred by sub-section (3).

(5) In making any rule the Government may provide that a breach thereof shall be punishable with a fine which may extend to one hundred rupees.

Making of
rules
after previous
publication.

395. The power to make rules under section 394 and the power to issue notifications under section 48 are subject to the following conditions :—

(a) A draft of the rules or notification shall be published in the official Gazette and forwarded to the corporation for its opinion.

(b) Such draft shall not be further proceeded with until six weeks after such publication or until such later date as the Government may appoint.

(c) All rules made under section 394 shall be published in the official Gazette and upon such publication shall have effect as if enacted in this Act.

Bye-laws.

Power
to make bye-
laws.

396. The corporation may make bye-laws, not inconsistent with this Act or with any other law to provide—

(1) for all matters expressly required or allowed by this Act to be provided for by bye-law ;

(2) for the due performance by all municipal officers and servants of the duties assigned to them ;

(3) for the regulation of the time and mode of collecting the taxes and duties under this Act ;

(4) for determining the conditions under which lands shall be deemed to be appurtenant to building ;

(5) (a) for the use of public tanks, wells, conduits and other places or works for water-supply ;

(b) for the regulation of public bathing, washing and the like ;

(c) for the maintenance and protection of the water-supply system, and the protection of water-supply from contamination ;

(d) for the terms and conditions on which house connections with the corporation's water-supply mains may be made ; for their alteration and repair and for their being kept in proper order ;

(e) for supply of water for domestic consumption and use ;

(f) for the prevention of waste of water ;

(g) for the measurement of water ;

(h) for the compulsory provision of cisterns and meters ;

(i) for the supply of water in case of fire ;

(6) for the maintenance and protection of the lighting system ;

(7) (a) for the maintenance and protection of the drainage system ;

(b) for the construction of house drains, and for regulating their situation, mode of construction and materials;

(c) for the alteration and repair of house drains;

(d) for the cleansing of house drains;

(e) for the construction of closed cess-pools and drains;

(f) for the payment or apportionment of money payable on account of pipes or drains common to more premises than one;

(8) for the cleansing of latrines, earth-closets, ash-pits and cess-pools, and the keeping of latrines supplied with sufficient water for flushing;

(9) (a) for the testing of water-pipes and drains in private premises, the recovery or the apportionment of the cost of such testing, and the breaking up of the ground or of buildings for the purpose of such testing;

(b) for the licencing of plumbers and fitters and for the compulsory employment of licenced plumbers and fitters;

(10) (a) for the laying out of streets, for determining the information and plans to be submitted with applications for permission to lay out streets; and for regulating the level and width of public streets and the height of buildings abutting thereon;

(b) for the regulation of the use of public streets, and the closing thereof or parts thereof;

(c) for the regulation of traffic in public streets, or their reservation for particular kinds of traffic;

(d) for the protection of avenues, trees, grass and other appurtenances of public streets and other places;

(11) for the regulation of the use of parks, gardens and other public or municipal places;

(12) (a) for the regulation of building;

(b) for determining the information and plans to be submitted with applications to build;

(c) for the licencing of builders and surveyors and for the compulsory employment of licenced builders and surveyors;

(13) for the regulation (and licencing) of hotels, lodging houses, boarding houses, choultries, rest houses, restaurants, eating houses, cafes, refreshment rooms, coffee houses and premises to which the public are admitted for repose or for the consumption of any food or drink (or any place where any food or drink is exposed for sale);

(14) for regulating the mode of constructing stables, cattle-sheds and cow-houses and connecting them with municipal drains;

(15) for the control and supervision of public and private cart-stands, for the regulation of their use and for the levy of fees therein;

(16) for the sanitary control and supervision of factories and places used for any of the purposes specified in schedule V and of any trade or manufacture carried on therein;

(17) (a) for the control and supervision of slaughter-houses and of places used for skinning and cutting up of carcasses ;

(b) for the control and supervision of the methods of slaughtering ;

(c) for the control and supervision of butchers carrying on business in the city or at any slaughter-house without the city provided or licensed by the corporation ;

(18) for the inspection of milch-cattle and the regulation of the ventilation, lighting, cleansing, drainage and water-supply of dairies and cattle-sheds in the occupation of persons following the trade of dairyman or milk-seller ;

(19) for enforcing the cleanliness of milk-stores and milk-shops and vessels and utensils used by the keepers thereof or by hawkers for containing or measuring milk or preparing any milk product and for enforcing the cleanliness of persons employed in the milk trade ;

(20) for requiring notice to be given whenever any milch-animal is affected with any contagious disease and prescribing the precautions to be taken in order to protect milch-cattle and milk against infection and contamination ;

(21) (a) for the inspection of public and private markets and shops and other places therein ;

(b) for the regulation of their use and the control of their sanitary condition ; and

(c) for licensing and controlling brokers, commission agents and weighmen and measurers practising their calling in markets ;

(22) for prescribing the method of sale of articles whether by measure, weight, tale or piece ;

(23) for prescribing and providing standard weights, scales and measures and preventing the use of any others ;

(24) for the prevention of the sale, or exposure for the sale, of unwholesome meat, fish or provisions and securing the efficient inspection and sanitary regulation of shops in which articles intended for human food are kept or sold ;

(25) (a) for the regulation of burial and burning grounds and other places for the disposal of corpses ;

(b) for the levy of fees for the use of such burial and burning grounds and crematoria as are maintained by the corporation ;

(c) for the verification of deaths and the causes of death ;

(d) for the period of which corpses must be kept for inspection ;

(e) for the period within which corpses must be conveyed to a burial or burning ground, and the mode of conveyance of corpses through public places ;

- (26) for the registration of births, deaths and marriages;
- (27) for the training and licensing of dhais and midwives;
- (28) for the prevention of dangerous diseases of men or animals;
- (29) for the enforcement of compulsory vaccination or re-vaccination;
- (30) for the prevention of outbreaks of fire;
- (31) for the prohibition and regulation of advertisements;
- (32) in general for securing cleanliness, safety and order and the good government and well being of the city and for carrying out all the purposes of this Act.

397. Bye-laws with regard to the drainage of, and supply of water to, buildings and water-closets, earth-closets, privies, ash-pits and cess-pools in connection with buildings and the keeping of water closets supplied with sufficient water for flushing, may be made so as to affect buildings erected before the passing of the bye-laws or of this Act.

Power to give retrospective effect to certain bye-laws.

398. In making any bye-laws under sections 396 and 397 the corporation may provide that a breach thereof shall be punishable—

Penalty for breaches of bye-laws.

(a) with fine which may extend to fifty rupees, and in case of continuing breach, with fine which may extend to fifteen rupees for every day during which the breach continues after conviction for the first breach, or

(b) with fine which may extend to ten rupees for every day during which the breach continues after receipt of notice from the commissioner to discontinue such breach.

399. No bye-law made by the corporation under this Act shall have any validity unless and until it is sanctioned by the Government.

Confirmation of bye-laws by Government.

400. The power to make bye-laws under this Act is subject to the conditions—

Condition precedent to making of bye-laws.

(a) that a draft of the proposed bye-law is published in the Official Gazette and in the local newspapers;

(b) that the draft shall not be further proceeded with until after the expiration of a period of one month from the publication thereof in the Official Gazette or of such longer period as the corporation may appoint;

(c) that for at least one month during such period a printed copy of the draft shall be kept at the municipal office for public inspection and all persons permitted to peruse the same at any reasonable time free of charge; and

(d) that printed copies of the draft shall be sold to any person requiring them on payment of such price, as the commissioner may fix.

Rules in lieu of bye-laws.

Power of
Government
to make rules
in lieu of
bye-laws.

401. (1) If, in respect of any of the matters specified in section 396, the corporation has failed to make any bye-laws or if the bye-laws made by it are not, in the opinion of the Government adequate, the Government may make rules providing for such matter to such extent as they may think fit.

(2) Rules made under this section, may add to, alter, or cancel any bye-laws made by the corporation.

(3) If any provision of a bye-law made by the corporation is repugnant to any provision of a rule made under this section, the rule shall prevail and the bye-law shall, to the extent of the repugnancy, be void.

(4) The provisions of sections 397, 398 and 400, of the second sentence of sub-section (1) of section 402 and of section 404 shall apply to the rules made under this section as they apply to the bye-laws made under section 396, with the substitution of the word 'Government' for the word 'corporation' in section 398 and clause (b) of section 400 and of the word 'Government' for the word 'commissioner' in clause (d) of section 400.

(5) Before making any rules under this section the Government shall give the corporation an opportunity of showing cause against the making thereof.

Publication of Rules, Bye-laws and Regulations.

Publication of
bye-laws or
rules.

402. (1) When any rule or bye-law has been made, under this Act, such rule or bye-law shall be published in the official Gazette in English and in Kannada. A bye-law shall come into operation three months after it has been published as aforesaid.

(2) The commissioner shall cause all rules and bye-laws in force to be printed in the said languages, and shall cause printed copies thereof to be sold to any applicant on payment of a fixed price.

(3) The commissioner shall from time to time advertise in the local newspapers that copies of rules and bye-laws are for sale and specify the place where and the person from whom and the price at which they are obtainable.

(4) The commissioner shall publish lists of offences and fines under this Act and the rules and bye-laws made under it, and shall cause printed copies thereof to be sold to any applicant on payment of a fixed price.

Publication of
regulations.

403. Regulations made under this Act shall be published in such manner as the corporation may determine.

Exhibition of
bye-laws,
rules and
regulations.

404. (1) Printed copies of bye-laws under section 396, clauses (10) (b) (c) (d) and (11) shall be affixed at the entrances to, or elsewhere in the street, park or other place affected thereby in such conspicuous manner as the commissioner may deem best calculated to give information to the persons using such place.

(2) Printed copies of other bye-laws and of the rules and regulations shall be hung up in some conspicuous part of the municipal office. The commissioner shall also keep affixed in a like manner in places of public resort, markets, slaughter-houses and other places affected thereby copies of such portions of the rules, bye-laws and regulations as may relate to those places.

(3) No municipal officer or servant shall prevent any person from inspecting at any reasonable time copies so exhibited.

(4) No person shall, without lawful authority, destroy, pull down, injure, or deface any copies exhibited as above or any board to which the copies have been affixed.

CHAPTER XVI—PENALTIES.

405. (1) Whoever—

(a) contravenes any provision of any of the sections or rules of this Act specified in the first column of Schedule VI; or

General provisions regarding penalties specified in the schedules.

(b) contravenes any rule or order made under any of the said sections or rules; or

(c) fails to comply with any direction lawfully given to him or any requisition lawfully made upon him under or in pursuance of the provisions of any of the sections, or rules; shall on conviction be punished with fine which may extend to the amount mentioned in that behalf in the third column of the said schedule.

(2) Whoever after having been convicted of—

(a) contravening any provision of any of the sections or rules of this Act specified in the first column of Schedule VII; or

(b) contravening any rule or order made under any of the said sections or rules; or

(c) failing to comply with any direction lawfully given to him or any requisition lawfully made upon him under or in pursuance of any of the said sections, or rules,

continues to contravene the said provision or to neglect to comply with the said direction or requisition, as the case may be, shall on conviction be punished, for each day after the previous date of conviction during which he continues so to offend, with fine which may extend to the amount mentioned in that behalf of the third column of the said schedule.

Explanation.—The entries in the second column of Schedules VI and VII headed "subject" are not intended as definitions of the offences described in the sections, sub-section clauses or rules mentioned in the first column or even as abstracts

of those section, sub-sections, clauses or rules, but are inserted merely as references to the subject of the sections, sub-sections, clauses or rules as the case may be.

Penalty for voting when pecuniarily interested and acting as councillor or alderman when not entitled, etc.

Penalty for acting as mayor or deputy mayor when not entitled, etc.

Penalty for failure to hand over documents, etc., by mayor or deputy mayor.

Penalty for acquisition by municipal officer of interest in contract or work.

Penalty for omission to take out licence for vehicle or animal.

406. (1) If a councillor or an alderman votes in contravention of section 36, or if any person acts as a councillor or an alderman knowing that under this Act or the rules made thereunder he is not entitled or has ceased to be entitled to hold such office, he shall on conviction be punished with fine not exceeding two hundred rupees for every such offence.

(2) If any person acts as or exercises the functions of the mayor or deputy mayor knowing that under this Act or the rules made thereunder he is not entitled or has ceased to be entitled to hold such office or to exercise such functions, he shall on conviction be punished with fine not exceeding one thousand rupees for every such offence.

(3) If the mayor or deputy mayor fails to hand over any documents of, or any money or other properties vested in, or belonging to, the corporation, which are in or have come into his possession or control, to his successor in office or other prescribed authority, in every case as soon as his term of office as mayor or deputy mayor expires and in the case of the deputy mayor also on demand by the mayor, such mayor or deputy mayor shall, on conviction, be punished with fine not exceeding one thousand rupees for every such offence.

407. If the commissioner or any municipal officer or servant knowingly acquires, directly or indirectly, by himself or by a partner or employee or servant any personal share or interest in any contract or employment with, by, or on behalf of the corporation, he shall be deemed to have committed the offence punishable under section 168 of the Indian Penal Code:

Provided that no person shall, by reason of being a shareholder in, or member of, any company, be held to be interested in any contract between such company and the corporation unless he is a director of such company.

408. (1) Every owner or person in charge of any vehicle or animal liable to tax under section 118 omits to obtain, within 15 days of the service of a bill on him, a licence under section 123 shall, on conviction, be punished with fine not exceeding fifty rupees and shall also pay the amount of the tax payable by him in respect of such vehicle or animal.

(2) On payment of such fine and tax and of such costs as may be awarded, such owner or person shall receive a licence for the vehicle or animal in respect of which he has been fined and for the period during which he has been found to be in default.

(3) The provisions of this section shall apply to any person who, having compounded for the payment of a certain sum under section 121, fails to pay such sum and the amount

due for a licence shall in such case be taken as the amount to be compounded for.

409. Any person who wilfully prevents distraint or sufficient distraint of property subject to distraint for any tax due from him, shall on conviction by a magistrate be liable to a fine not exceeding twice the amount of the tax, found to be due.

Penalty for wilfully preventing distraint.

410. If the construction to reconstruction of any building or well—

Penalty for unlawful building.

(a) is commenced without the permission of the commissioner, or

(b) is carried on or completed otherwise than in accordance with the particulars on which such permission was based, or

(c) is carried on or completed in contravention of any lawful order or breach of any provision contained in this Act or in any rule or bye-law made under it, or of any direction or requisition lawfully given or made, or

(d) if any alterations or additions required by any notice issued under section 250 or section 261 are not duly made, or

(e) if any person to whom a direction is given by the commissioner to alter or demolish a building or well under section 262 fails to obey such direction, the owner of the building or well or the said person, as the case may be, shall be liable on conviction to a fine which may extend in the case of a well or hut to fifty rupees and in the case of any other building to five hundred rupees, and to a further fine which may extend in the case of a well or hut to ten rupees, and in the case of any other building to one hundred rupees, for each day during which the offence is proved to have continued after the first day.

411. (1) In the absence of a written contract to the contrary, every scavenger employed by the corporation shall be entitled to one month's notice before discharge or to one month's wages in lieu thereof, unless he is discharged for misconduct or was engaged for a specified term and discharged at the end of it.

Notice to scavengers before discharge.

(2) Should any scavenger employed by the corporation, in the absence of a written contract authorizing him so to do, and without reasonable cause, resign his employment or absent himself from his duties without giving one month's notice to the corporation, or neglect or refuse to perform his duties, or any of them, he shall be liable on conviction to a fine not exceeding fifty rupees or to imprisonment of either description which may extend to two months.

Penalty for withdrawal of scavenger without notice.

(3) The Government may by notification direct that on and from a date to be specified in the notification, the provisions of sub-sections (1) and (2) with respect to scavengers shall apply also to any other specified class of municipal servants whose functions concern the public health or safety.

Application of sub-sections (1) and (2) to other municipal servants.

Wrongful
restraint of
commissioner
and his
delegates.

Penalty for
not giving
information
or giving
false
information.

412. Every person who prevents the commissioner, or any person to whom the commissioner has lawfully delegated his power from exercising his power of entering on any land or into any building shall be deemed to have committed an offence under section 341 of the Indian Penal Code.

413. If any person who is required by the provisions of this Act or by any notice or other proceedings issued under this Act to furnish any information—

(a) omits to furnish it, or

(b) knowingly or negligently furnishes false information, such person shall, on conviction, be punished with fine not exceeding one hundred rupees.